

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
08/26/2019
Clerk, U.S. District Court
Western District of Texas

By: RRV
Deputy

UNITED STATES OF AMERICA

vs.

(1) JOSE ALBERTO TORRES-CORTEZ

§
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§
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CASE NUMBER: EP:19-M -08072(1) - MAT

USM Number:

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For A Petty Offense) - Short Form

The defendant, Jose Alberto Torres-Cortez, was represented by counsel, Joshua Cody Spencer.


The defendant pled guilty to the complaint on August 26, 2019. Accordingly, the defendant is adjudged guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>
8:1325(a)(2)	ATTEMPTED ILLEGAL ENTRY BY ELUDING IMMIGRATION OFFICER	AN August 22, 2019

As pronounced on August 26, 2019, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served plus one day**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

Signed this the 26th day of August, 2019.


MIGUEL A. TORRES
UNITED STATES MAGISTRATE JUDGE

bef

United States District Court
Western District of Texas
El Paso Division

INITIAL APPEARANCE / PLEA AND SENTENCE

Case Number: EP:19-M -08072(1) MAT

DEFENDANT'S NAME:
 Jose Alberto Torres-Cortez

ATTY FOR DEFENDANT: Joshua Cody Spencer

JUDGE: Miguel A. Torres
 DEPUTY CLERK: Rita R Velez
 COURT REPORTER: ERO

AUSA: John Gans
 INTERPRETER: ☒ Yes ☐ No
 PROBATION: _____
 PRETRIAL OFFICER: _____
 TIME: Minutes 3:32 - 4:20

DATE: 08/26/2019

PROCEEDINGS	DFT NO.	[DftNo1]	[DftNo2]
<input checked="" type="checkbox"/> INITIAL APPEARANCE HELD		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> ARRAIGNMENT HELD		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> DFT INFORMED OF RIGHTS/oral consent to plea		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> GUILTY DEFT [DftNo1] COUNT(S): <u>COMPLAINT</u>			
<input checked="" type="checkbox"/> GUILTY PLEA ACCEPTED BY THE COURT		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Information Filed On _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motion to Dismiss Complaint filed on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Court Grants Motion to Dismiss on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Order Dismissing Complaint entered on _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Oral Motion by AUSA to Remit Special Assessment		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Oral Order Granting Oral Motion to Remit Special Assessment		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> SENTENCING HELD: Defendant sentenced to Time Served plus one day; No Fine; S/A REMITTED.			

OTHER: _____

United States District Court
Western District of Texas
El Paso Division

UNITED STATES OF AMERICA

vs.

(1) JOSE ALBERTO TORRES-CORTEZ

Defendant

§
§
§ No: EP:19-M -08072(1)
§
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ORDER APPOINTING COUNSEL

The above Defendant has testified under oath, or has otherwise satisfied this Court that he or she is financially unable to employ counsel, and does not wish to waive counsel.

Therefore, in the interests of justice, Joshua Cody Spencer, is hereby appointed, pursuant to the provisions of the Criminal Justice Act, to represent said Defendant in this case.

This appointment shall remain in effect until further order of the Court.

It is, accordingly, so **ORDERED** this the 26th day of August, 2019.


MIGUEL A. TORRES
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

USA

vs.

(1) JOSE ALBERTO TORRES-CORTEZ

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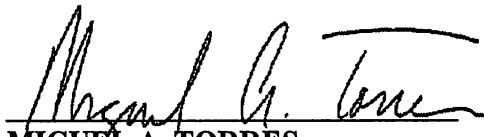
Case Number: EP:19-M -08072(1)

ORDER SETTING MISDEMEANOR ARRAIGNMENT/PLEA & SENTENCE

IT IS HEREBY ORDERED that the above entitled and numbered case is set before the **HONORABLE U.S. MAGISTRATE MIGUEL A. TORRES** for **MISDEMEANOR ARRAIGNMENT/PLEA & SENTENCE**, August 26, 2019 at 02:30 PM in Magistrate Courtroom, Room 712.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 08/26/2019.

A handwritten signature in black ink, appearing to read "Miguel A. Torres", is written over a horizontal line.

**MIGUEL A. TORRES
UNITED STATES MAGISTRATE JUDGE**

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)


v.)

JOSE ALBERTO TORRES-CORTEZ)

Case No.)

3:19-mj-8072-MAT)

Defendant(s)

FILED
2019 AUG 26 AM 10:49
CLERK OF U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/22/2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. 1325(a)(2)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Sandra Lopez, CBP Enforcement Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/26/2019


Judge's signature

City and state: El Paso, Texas

Miguel A. Torres, United States Magistrate Judge

Printed name and title

Continuation of Criminal Complaint

On August 22, 2019, the Defendant Jose Alberto Torres-Cortez, a native and citizen of Mexico, attempted to enter the United States from Mexico by eluding inspection from Customs and Border Protection Officer at the Stanton Bridge, in El Paso, Texas. Customs and Border Protection Officer Eduardo Lozano observed three men running northbound towards the Stanton exit toll booths attempting to enter the United States. Officer Lozano gave chase, while CBPO Pena drove around to intercept the three men. Officer Lozano caught up to the three men as one was jumping off the fence and the other two were climbing the fence. Officer Lozano instructed all the men to stop, climb off the fence and get on the ground. The Defendant was apprehended and transported to the Paso Del Norte Port of Entry for processing.

In secondary, the Defendant was served with form I-214, Warning of Rights, which he signed indicating he understood and waived his right to have an attorney present during questioning. The Defendant admitted he attempted to enter the United States by running north on the southbound pedestrian walkway. The Defendant further admitted he does not have documents to enter the United States. Database records disclose the Defendant does not have a document to enter the United States.

Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Criminal/Immigration History

None can be established at this time.